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### **Civil Procedure, Injury & Tort Law**

Santana-Concepcion v. Centro Medico del Turabo, No. 12-2013

In this medical malpractice and informed consent suit, summary judgment in favor of defendants is affirmed, where the "error of judgment" defense foreclosed malpractice liability and the failure of proof on causation foreclosed liability for lack of informed consent.

### **Immigration Law**

#### **Taveras-Duran v. Holder, No. 14-1073**

Petition for review of an order of the Board of Immigration Appeals (BIA) denying petitioner's motion to reopen removal proceedings because he was not credible is denied, where: 1) the BIA's denial turned on petitioner's ineligibility to receive the relief he requested because of his failure to depart voluntarily, when given that option; and 2) the BIA did not abuse its discretion in denying petitioner's motion.

### **Civil Rights, Remedies**

#### **McLaughlin v. Hagel, No. 14-1035**

In this follow-up to a successful constitutional challenge to Section 3 of the Defense of Marriage Act (DOMA), plaintiffs allege that they are entitled to fees under the Equal Access to Justice Act (EAJA). The district court's denial of fees and costs is affirmed, where: 1) denial of fees was correct as a matter of law because the government reasonably believed its actions were constitutionally appropriate given the circumstances; and 2) denial of costs without comment was not an abuse of discretion because the reason for the denial - that the case was "close and difficult" - was readily apparent on the face of the record.